

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN SUPERIOR COURT
2004 TERM
CAUSE NO. 77D01-0410-PL-00333

EDWARD SMITH,)
Plaintiff)
VS)
CRAIG HANKS and)
R. McCAMMON)
Defendants)

FILED
IN SUPERIOR COURT
OCT 14 2004
Ann Smith Mischler
Clerk of the Superior Court

ORDER

Pursuant to I.C. 34-58-1-1, this Court has examined Plaintiff's Complaint and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and does not state a claim upon which relief may be granted based on the following:

1. There is no constitutional protected right to employment while incarcerated in a penal facility. Thus, Plaintiff cannot pursue a 42 U.S.C. §1983 claims for loss wages.
2. Plaintiff has failed to file his cause of action within the two year statute of limitations.

Based on the foregoing, Plaintiff's Complaint cannot proceed and the Court declines ruling on Plaintiff's Status Of Indigency.

SO RECOMMENDED this 14th day of October, 2004.

Ann Smith Mischler
ANN SMITH MISCHLER, Magistrate of the
Sullivan Superior Court

SO ORDERED this 14th day of October, 2004.

Thomas E. Johnson
THOMAS E. JOHNSON, Judge of the
Sullivan Superior Court

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